

REMARKS

Reconsideration and allowance of the instant application are respectfully requested. Claims 1-25 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

I. Overview of the Office Action

Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayball et al. (U.S. Patent No. 6,233,610, hereafter “Hayball”) in view of Wilson (U.S. Patent Application Publication No. 2002/0029298). Applicant respectfully traverses the prior art rejections.

II. Preliminary Matters

A. Foreign Priority

Applicant thanks the Examiner for acknowledging Applicant’s claim for Foreign Priority, and confirming receipt of a certified copy of the priority document in the United States Patent and Trademark Office.

B. Information Disclosure Statement

Applicant thanks the Examiner for initialing and returning copies of the PTO/SB/08 forms submitted with the Information Disclosure Statements filed on May 5, 2004.

III. Objections to the Claims.

The Examiner objects to the claims because the word “characterised” appears to be misspelled. By this Amendment, Applicant has amended the Abstract and claims in order to improve clarity. Accordingly, the Examiner is requested to remove the objection to the claims.

IV. Prior Art Rejections

The Examiner asserts that Hayball discloses all of the features of independent claim 1 except for “protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements, and each arranged i) to convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means”. The Examiner thus relies on Wilson to allegedly cure this conceded deficiency and contends that it would have been obvious to one of ordinary skill in the art to combine the teachings of Hayball with Wilson in order to “allow management of a network having a plurality of distributed components and systems”.¹ Applicant respectfully disagrees with the Examiner’s position.

First, Applicant respectfully submits that there is no teaching or suggestion in Hayball of “a management device or arrangement (D) for a communication network (N) which includes a multiplicity of equipment elements (NE-ij), each associated with a primary data management

¹ Page 4 of the Office Action.

protocol”, as recited in independent claim 1. The Examiner cites the Abstract, and column 4, lines 29-31 and lines 48-65 of Hayball as allegedly disclosing this feature of the claim. However these cited portions of Hayball merely disclose a communications network, which comprises a plurality of distributed physical resources. A network management system of such a network comprises an application level which represents the functionality of a plurality of different composites being hardware and/or software components of different proprietary manufacture and different function capability, and an implementation level which implements control of the composites. The application level is sub-divided into a plurality of application level elements each of which correspond to a function capability of a composite or system, a system being a highest level of composite. However, nowhere does this cited portion (or any other portion) of Hayball disclose a multiplicity of equipment elements is each associated with a primary data management protocol”, as recited in independent claim 1.

Further, Applicant respectfully submits that there is no teaching or suggestion in Hayball of “mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system”, as recited in independent claim 1. The Examiner cites column 3, lines 54-65 of Hayball as allegedly disclosing this feature of the claim. However, this cited portion of Hayball merely discloses a conventional management system which comprises a management information base in the form of a data storage device storing electronic data signals describing network elements,

their interconnections, and the services and protocols supported by these network elements. However, nowhere does this cited portion of Hayball teach or suggest “mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system”, nor does the Examiner indicate how the claimed mediation means, functional interface means, equipment elements and system interface means are read on the cited reference.

Still further, Applicant respectfully submits that there is no teaching or suggestion in Hayball of “protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements”, as recited in independent claim 1. The Examiner cites column 3, lines 60-65 of Hayball as allegedly disclosing this feature of the claim. However, as described above, this cited portion of Hayball merely discloses a conventional management system which comprises a management information base in the form of a data storage device storing electronic data signals describing network elements, their interconnections, and the services and protocols supported by these network elements. However, nowhere does this cited portion of Hayball teach or suggest “protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements”, as recited in the claim.

Further, Applicant respectfully submits that there is no teaching or suggestion in Hayball of protocol adaptation modules which “convert primary data, coming from an equipment element

(NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data, intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element” and the feature “mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment element”, as recited in the claim. The Examiner cites column 5, lines 60-67 of Hayball as allegedly disclosing these features of the claim. However, this cited portion of Hayball merely discloses viewing means which interfaces with application level elements and implementation level elements for communication of management data. It is quite unclear to Applicant how these claimed features of claim 1 read on the cited reference.

Although the Examiner asserts that Hayball teaches protocol adaptation modules which “convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM)” on Page 3 of the Office Action, on Page 4 of the Office Action, the Examiner acknowledges that Hayball does not disclose this feature of the claim. The Examiner thus cites the abstract, and paragraphs [0008] and [0009] of Wilson as allegedly disclosing this feature of the claim.

However, nowhere do these cited portions of Wilson teach or suggest protocol adaptation modules which convert primary data, coming from an equipment element in accordance with a

management protocol, into secondary data adapted to a mediation means, as requires by the claim, nor has the Examiner articulated specific reasoning with some rational underpinning to support the legal conclusion of obviousness.

Accordingly, Applicant respectfully submits that claim 1 should be allowable over the cited references, alone or in combination, because the cited references do not teach or suggest all of the features of the claims, and one of ordinary skill in the art would not have been motivated to combine and modify the cited references to produce the claimed invention. Claims 2-25 should also be allowable at least by virtue of their dependency on independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/766,834

Attorney Docket No. Q79501

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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